

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

Case No. 6:17-cr-15-Orl-37LRH

JARVIS WAYNE MADISON

ORDER

Defendant moved for discovery of information concerning the creation of the jury venire, specifically the race, gender, and age of the 800 jurors summoned to fill out case-specific questionnaires. (Doc. 618 (“**Motion**”).) On referral, U.S. Magistrate Judge Leslie R. Hoffman recommends granting the Motion in part, providing a general report of the 800 jurors’ race, gender, and age without any personal identifying information as redacting each individual questionnaire would be unduly burdensome on the Clerk’s Office. (Doc. 630 (“**R&R**”).) Defendant objects to the R&R. (Doc. 653.) On review, the Court modifies the R&R.¹

Under Federal Rule of Criminal Procedure 59(b), the “district judge must consider de novo any objection to the magistrate judge’s recommendation.” And the “district judge may accept, reject, or modify the recommendation.” Fed. R. Crim. P. 59(b). Defendant argues a summary of the 800 jurors’ demographics does not show the demographics of which jurors filled out questionnaires compared to everyone

¹ The Court addresses the Objection without a response from the Government as the Government did not oppose Defendant’s Motion. (*See* Doc. 618, ¶ 10.)

summoned, which he contends is necessary for a statistical analysis of a fair cross-section claim. (Doc. 653, ¶¶ 4, 5.) And Defendant now suggests various options to protect jurors' confidential information—none of which were presented to Judge Hoffman. (*See* Doc. 653; *cf.* Doc. 618.) After consultation with the Clerk's Office, one of these options is tenable—a report of the 800 jurors summoned with juror participation and sequence numbers attached to the jurors' race, gender, and age information. (*See* Doc. 653, pp. 15–16.) Given the serious nature of this case and the availability of this information, the Court grants the Motion despite these options not being properly brought before Judge Hoffman.

Accordingly, it is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Leslie R. Hoffman's Report and Recommendation (Doc. 630) is **ADOPTED** and made a part of this Order as **MODIFIED** below.
2. Defendant's Unopposed Fifth Motion for Discovery of Information Concerning the Confection and Creation of the Jury Venire During COVID-19 Pandemic (Doc. 618) is **GRANTED IN PART AND DENIED IN PART**:
 - a. Withing **fourteen (14) days** of this Order, the Clerk is **DIRECTED** to provide Defendant's counsel a report of the 800 jurors summoned to fill out case-specific questionnaires in this case, with the juror's participation number, sequence number, race, gender, and age information without any other personal identifying information.
 - b. The parties and counsel are **DIRECTED** to keep all information and materials they review, inspect, copy and/or otherwise receive from

the Clerk in accordance with the orders of the Court in the utmost confidence and not to divulge any such information or materials to any other person without first receiving approval from the Court.

c. In all other respects, the Motion is **DENIED**.

DONE AND ORDERED in Chambers in Orlando, Florida, on October 19, 2020.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record